

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CLEMENS FRANEK,

Plaintiff,

v.

WALMART STORES, INC. and
TARGET CORPORATION,

Defendants.

Civil Action No. 08-Civ-0058

Judge Robert M. Dow, Jr.

JURY DEMAND

JAY FRANCO & SONS, INC.,

Plaintiff,

v.

CLEMENS FRANEK,

Defendant.

Civil Action No. 08-Civ-1313

Judge Robert M. Dow, Jr.

JURY DEMAND

**PLAINTIFF JAY FRANCO'S RESPONSES TO
FRANEK'S OBJECTIONS**

JAY FRANCO'S STATEMENT OF FACT NO. 28

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted facts from the '845 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 29

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted facts from the '845 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 30

Franek improperly denied this fact, because Franek failed to state why the statement was incorrect. Therefore, this fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 31

Franek improperly denied this fact, because Franek failed to state why the statement was incorrect. Therefore, this fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 32

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted factual statements from the specification of the '845 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 33

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted factual statements from the specification of the '029 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 34

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted factual statements from the specification of the '029 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 35

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted factual statements from the specification of the '029 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 36

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted facts from the '029 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 37

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted facts from the '229 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 38

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted factual statements from the specification of the '229 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 39

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted facts from the '229 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 40

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted facts from the '978 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 41

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted factual statements from the specification of the '978 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 42

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted factual statements from the patent claims in the '978 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 43

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted facts from the '978 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 45

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted facts from the '861 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 46

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted factual statements from the specification of the '861 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 47

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted factual statements from the claims of the '861 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 48

Franek improperly objected by asserting that the facts stated were an argument. However, Jay Franco merely quoted factual statements from the specification of the '861 patent. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 50

Franek improperly objected by asserting that the fact stated was an argument. However, Franco merely quoted facts from the '845 patent. Franek's objection is improper, and this fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 51

Franek improperly objected by asserting that the fact stated was an argument. However, Franco merely quoted facts from the '845 patent. Franek's objection is improper, and this fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 52

Franek improperly objected by asserting that the fact stated was an argument. However, Franco merely quoted facts from the '845 patent. Franek's objection is improper, and this fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 53

Franek improperly objected by asserting that the fact stated was an argument. However, Franco merely quoted facts from the '845 patent. Franek's objection is improper, and this fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 54

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 56

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 57

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 58

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 59

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 60

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 61

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 62

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 63

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 64

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 65

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 66

Franek improperly objected by asserting that the facts stated were legal arguments. However, Franco merely quoted statements from printed articles. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 67

Franek improperly objected by asserting that the facts stated were legal arguments. However, Franco merely quoted statements from printed articles. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 68

Franek improperly objected by asserting that the facts stated were legal arguments. However, Franco merely quoted statements from printed articles. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 69

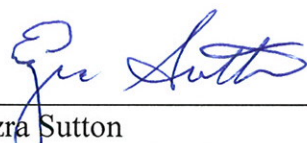
Franek improperly objected by asserting that the facts stated were legal arguments. However, Franco merely quoted statement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

JAY FRANCO'S STATEMENT OF FACT NO. 70

Franek improperly objected by asserting that the facts stated were an argument. However, Franco merely quoted statements from Franek's company's advertisement. Franek's objection is improper, and this Statement of Fact should be deemed admitted.

Dated: August 14, 2008

Respectfully submitted,

By: 
Ezra Sutton
EZRA SUTTON, P.A.
900 Route 9, Suite 201
Woodbridge, New Jersey 07095
(732) 634-3520 - Office
(732) 634-3511 - Fax

Attorney for Plaintiff
Jay Franco & Sons, Inc.